IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.223 OF 2006

The State of Maharashtra ...Applicant

vs.

Nandkumar Ramchandra Gaikwad & Ors. ...Respondents

Mr.A.S.Gadkari,A.P.P. for State
Mr.Shekhar A. Ingawale for Respondent Nos.1 to 4.

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 28,2006.

P.C.:

1. Heard learned A.P.P. for the State. The challenge in this Revision Application is to the order dated 3rd February 2006 passed by the learned Special Judge, Kolhapur by which the pending Sessions case has been transferred by him from the court of learned 5th Ad hoc Additional Sessions Judge to the court of learned 2nd Ad hoc Additional Session Judge. The learned A.P.P. submitted that there was no reason for the learned Sessions Judge to revoke the earlier order of transfer passed on administrative ground. He submitted that the order passed by the learned Sessions Judge is illegal.

2. I have considered the submissions. In the impugned order, the learned Sessions Judge has given reasons for re-transferring the case to the Court of the learned 2nd Ad-hoc Additional Sessions Judge. The learned Judge has noted that the learned 2nd Ad hoc Additional Sessions Judge had framed charge and had fixed the trial on 1st March 2006. The learned Sessions Judge observed that once charge was framed,

it was not proper to transfer the case from the Court of the 2nd Ad hoc Additional Sessions Judge.

3. After perusing the impugned order, I find that there is no illegality. The order was passed after hearing the Public Prosecutor. Earlier order of transfer was purely on administrative grounds. Once it was realised that the charge was already framed by the learned 2nd Ad hoc Additional Sessions Judge, the learned Sessions Judge has passed the order of re-assigning the case to the said Court. No case is made out for interference. Application is rejected.

JUDGE